

AMENDED IN ASSEMBLY JUNE 7, 2010

AMENDED IN SENATE MAY 11, 2010

Senate Joint Resolution

No. 31

**Introduced by Senators Pavley and Alquist
(Coauthors: Senators Correa, DeSaulnier, Leno, Liu, Steinberg,
and Strickland)**

April 27, 2010

Senate Joint Resolution No. 31—Relative to persons with disabilities.

LEGISLATIVE COUNSEL'S DIGEST

SJR 31, as amended, Pavley. Individuals with disabilities: tax exempt accounts.

This measure would urge the President and the Congress of the United States to immediately enact the Achieving a Better Life Experience Act of 2009.

Fiscal committee: no.

1 WHEREAS, Many families are searching for a way to plan for
2 the future of a child with developmental disabilities, which are
3 costly to society and to families; and

4 WHEREAS, The Achieving a Better Life Experience Act of
5 2009 (ABLE Act), proposed in H.R. 1205 and S. 493 currently
6 debated by Congress, would create disability savings accounts for
7 individuals with *developmental or other* disabilities and their
8 families, as a way to save for future needs that could accrue interest
9 tax free; and

10 WHEREAS, The ABLE Act would give individuals with
11 *developmental or other* disabilities and their families an option for
12 saving for their future financial needs in a way that supports their

1 unique situation and makes it more feasible to live full and
2 productive lives in their communities; and

3 WHEREAS, While many families are currently able to save for
4 the educational needs of children through “529” college tuition
5 plans, these plans do not fit the needs of children with
6 developmental *or other* disabilities; and

7 WHEREAS, Many families recognize that loved ones with
8 developmental *or other* disabilities may live for many decades
9 beyond the ability of the parents or other family members to
10 provide financial assistance and support; and

11 WHEREAS, Many families also want to ensure the financial
12 security of family members who have the level of disability
13 required for Medicaid eligibility, but for now, are managing to
14 function without the use of those benefits and state resources; and

15 WHEREAS, The ABLE Act would create a savings fund for
16 those with developmental *or other* disabilities that could be drawn
17 upon for a variety of essential expenses, including medical and
18 dental care, education and employment training and support,
19 assistive technology, housing and transportation, personal support
20 services, and other expenses for life necessities; and

21 WHEREAS, Savings accounts opened under the ABLE Act
22 would provide substantial flexibility to meet the specific needs of
23 the individual, with a broad array of allowable expenses and no
24 age limitations so that these funds can be used whenever they are
25 needed; and

26 WHEREAS, The flexibility in expenses would also allow
27 families to save with confidence even though they cannot always
28 predict how independent their child will become; now, therefore,
29 be it

30 *Resolved by the Senate and the Assembly of the State of*
31 *California, jointly*, That the California State Legislature urges the
32 President and the Congress of the United States to immediately
33 enact the Achieving a Better Life Experience Act of 2009 (ABLE
34 Act); and be it further

35 *Resolved*, That the Secretary of the Senate transmit copies of
36 this resolution to the President and Vice President of the United
37 States, to the President pro Tempore of the United States Senate,
38 to the Speaker of the House of Representatives, to each Senator

- 1 and Representative from California in the Congress of the United
- 2 States, and to the author for appropriate distribution.

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